(Spl.-H.C.A.S.C.D., 78-e)

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI, GOA.
APPELLATE SIDE

DISTRICT :

MISCELLANEOUS CIVIL APPLICATION NO. 13 OF 2005
IN
FIRST APPEAL NO. 11 OF 2001

Office Notes, Office Memoranda of Quorum, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. J. A. Lobo, Advocate for the Applicants.

Mr. Umesh Rao, Advocate for Respondent No.1.

Mr. P. Rao, Advocate for Respondent No.2.

CORAM : A. P. LAVANDE, J.

DATE : 25th FEBRUARY, 2005.

P.C. :

1. Heard Mr. Lobo, Advocate for the applicants, Mr. U. Rao, Advocate for respondent no. 1 and

Mr. P. Rao, Advocate for respondent no. 2. These 3 applications can be disposed of by common order. The application under Stamp No. 3195/04 is an application for setting aside abatement of the appeal on account of the death of appellant no. 1 who expired on 22nd April, 2002. The application bearing Stamp No. 3196/04 is an application to bring the legal representatives of the deceased appellant no. 1, whose names are mentioned in para 5 of the application, on record. Miscellaneous Civil Application No. 13 of 2005 is an application for seeking condonation of delay in bringing the legal representatives of the deceased appellant no. 1 on record.

2. Heard the learned Counsel appearing for the parties. I find that there is sufficient cause for setting aside abatement and for condoning delay of 2 years and 9 months in bringing the legal representatives of deceased appellant no. 1 on record.

3. Accordingly, all the 3 applications are allowed. The abatement of the appeal is set aside. The delay of 2 years and 9 months in bringing the legal representatives of deceased appellant no. 1 on record is condoned. The appellant no. 2 is permitted to bring the legal representatives of deceased appellant no. 1, whose names are mentioned in para 5 of the application bearing Stamp No.

3196/04 on record. Amendment to the cause title to be carried out within a period of 2 weeks from today. All the 3 applications are disposed of in the aforesaid terms.

A. P. LAVANDE, J.

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